

and addresses, identify this notice (CGD1 91-045) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

#### Drafting Information

The drafters of this notice are LT(jg) E. G. Westerberg, project officer, First Coast Guard District Boating Safety Affairs Branch, and LT J.B. Gately, project attorney, First Coast Guard District Legal Division.

#### Discussion of Proposed Regulations

The Miss Liberty Challenge Cup is a 25' to 50' Powerboat race, sponsored by the new Jersey Offshore Powerboat Association, of Westfield, NJ, that will involve up to 35 powerboats. The race begins in New York City (Statue of Liberty), goes to Atlantic City, and returns to New York City. The start/finish line will be located in Federal Anchorage #20C, north of Liberty island Lighted Gong Buoy #29 (LLNR 32305). No spectator craft shall be permitted within 300 yards of the aforementioned start/finish line. Commander, Coast Guard Group New York reserves the right to delay, modify or cancel the race as conditions or circumstances require. This regulation also prohibits the sponsor from locating any portion of the race course within Ambrose Channel, no racers shall be permitted to transmit Ambrose Channel during any part of the race. No racers shall be permitted to race north of the Verrazano Bridge at any time one hour prior to, or after sunset. The event will be on an overall timed basis, with boats starting on an individual basis, at a proposed interval of 5 minutes or less. Racers will be required to stop at Manasquan, NJ for check-in.

#### Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this

proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of title 33, Code of Federal Regulations as follows:

#### PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.111 is added to read as follows:

#### § 100.111 Miss Liberty Challenge Cup.

(a) *Regulated Area.* The regulated area is in Federal Anchorage #20C, within a 300 yard radius the race committee boat, which will be located north of Liberty Island Lighted Gong Buoy #29 (LLNR 32305).

(b) *Special Local Regulations.*

(1) Commander, Coast Guard Group New York reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) The race course and starting line shall be designed such that no part of the race course is in Ambrose Channel.

(3) No racers shall be permitted to race north of the Verrazano Bridge at any time one hour prior to, or after sunset.

(4) No person or vessel may transit through the regulated area during the effective period of regulation unless participating in the vent or as authorized by the sponsor or Coast Guard patrol commander. The patrol commander will be monitoring channel 16 VHF.

(5) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective Period.* These regulations, if adopted, will be effective from 9 a.m. through 5 p.m. on August 9th, 1991.

Dated: June 4, 1991.

**R.I. Rybacki,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 91-16638 Filed 7-11-91, 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

(FR1-3973-1)

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete Beachwood/Berkeley Wells Site from the National Priorities List: Request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Beachwood/Berkeley Wells site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further fund-financed remedial actions are appropriate at this site and actions taken to date are protective of public health, welfare, and the environment.

**DATES:** Comments concerning this site may be submitted on or before August 12, 1991.

**ADDRESSES:** Comments may be mailed to: Kathleen C. Callahan, Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, room 737, New York, NY 10278.

Comprehensive information on this site is available through the EPA Region II public docket, which is located at EPA's Region II Office in New York City, and is available for viewing, by appointment only, from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. Requests for appointments should be directed to: Ms. Sharon L. Atkinson, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 28 Federal Plaza, room 711, New York, NY 10278, (212) 264-1217.

Background information from the Regional public docket is also available for viewing at the Site's information repositories located at:

Berkeley Township Library, 42 Station Road, Bayville, NJ 08721.

Beachwood Borough Library, 126 Beachwood Boulevard, Beachwood, NJ 08722.

New Jersey Department of Environmental Protection, 401 East State Street, 6th Floor, Trenton, NJ 08625.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Sharon L. Atkinson, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, room 711, New York, NY 10278, (212) 264-1217.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The Environmental Protection Agency (EPA) Region II announces its intent to delete the Beachwood/Berkeley Wells Site, Ocean County, New Jersey, from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning the Beachwood/Berkeley Wells site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the site meets the deletion criteria.

**II. NPL Deletion Criteria**

The NCP establishes the criteria the Agency uses to delete sites from the

NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

**III. Deletion Procedures**

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Beachwood/Berkeley Wells site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.

2. The State of New Jersey has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This notice announces a thirty-day public comment period on the deletion package, which starts two weeks from the date of the notice, July 12, 1991, and will conclude on August 12, 1991.

4. The Region has made all relevant documents available in the Regional Office and local site information repositories.

The comments received during the notice and comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

The deletion will occur after the EPA Regional Administrator places a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Region II Office.

**V. Basis for Intended Site Deletion**

The Beachwood/Berkeley Wells Superfund site covers the 2.7-square mile Borough of Beachwood, and the 40-square mile Township of Berkeley in eastern Ocean County, New Jersey.

In March 1982, the New Jersey Department of Environmental Protection (NJDEP) investigated a public complaint in Beachwood Borough involving possible contamination in drinking water. One of four subsequently sampled wells contained levels of lead at approximately four times the Federal Interim Drinking Water Standard (FIDWS) of 50 parts per billion (ppb).

The NJDEP and Ocean County Health Department (OCHD) conducted a drinking water sampling program for Beachwood Borough in the summer of 1982. Approximately 15 percent of the 601 wells sampled had lead levels above the FIDWS. In a subsequent, expanded sampling program, approximately three percent of 935 Berkeley Township wells tested had levels above the FIDWS. In addition, lead analysis was performed on selected samples from surface and subsurface soils, and suspected surface water sources. No geographical pattern emerged, and the contamination could not be related to a particular source. The borough and the township had no likely industry which could have produced the lead contamination.

The NJDEP proposed the site for inclusion on the NPL in December of 1982 based on a MITRE ranking of 42.24. On January 13, 1984, the United States Environmental Protection Agency (EPA) made a grant award of \$632,540 to NJDEP to conduct a Remedial Investigation/Feasibility Study (RI/FS).

In May of 1985, the EPA, NJDEP, and United States Geological Survey (USGS) formed a task force to revise the RI scope of work. This revision in scope focused on the May 1985 USGS Interim Report entitled "Lead Contamination of the Coastal Plain." The study demonstrated that elevated lead concentrations in the drinking water

could be directly related to corrosive groundwater acting on lead components in the plumbing systems. Groundwater in the Beachwood/Berkeley area exhibited varying degrees of corrosiveness (acidity), and the USGS study included investigations in the township. An 11-month project delay resulted from the redesign of the RI to focus on the effects of corrosive groundwater on water supply systems.

The NJDEP-lead RI was performed between April 1986 and July 1987. The RI Report, along with the Remedial Response Objectives and Identification of Alternatives Report, was finalized in May of 1988. The RI concluded that the major portion of lead contamination resulted from the leaching of lead components in wells and plumbing systems, with minor amounts contributed through environmental media. Leaching could be further exacerbated where relatively acidic groundwater reacted with plumbing system components, as evidenced in the Berkeley Township area.

In accordance with section 104(a)(3) of the Superfund Amendments Reauthorization Act (SARA), the selected alternative for the Beachwood/Berkeley Wells site was to take no remedial action under the Superfund Program. Section 104(a)(3) prohibits the use of Superfund monies to undertake remedial action in the following instances:

The President shall not provide for a removal or remedial action under this section in response to a release or threat of release—

(A) of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;

(B) from products which are part of the structure of, and result in exposure within residential buildings or businesses or community structures; or

(C) into public or private drinking water supplies due to deterioration of the system through ordinary use.

Although the no action remedy selected for this site does not address the protection of public health, independent state, county and local actions have been undertaken since the onset of the identified problem to address health protection including:

- In 1982, OCHD closed private wells with elevated lead levels and provided bottled water for affected residents in Beachwood and Berkeley.
- In 1983, after issuance of an administrative order by NJDEP, Beachwood Borough completed construction of an extension to the public water supply system to service all Beachwood residents. This assures that the water received by residents

meets federal standards for drinking water.

- In 1986, OCHD passed an ordinance requiring a prerequisite water test to be paid by all residential real estate purchasers prior to issuance of a certificate of occupancy. Should the water test fail federal standards for drinking water, a follow-up confirmatory test is required. A confirmed water test failure requires correction of the problem prior to the sale of the property.
- In 1988, the Berkeley Township Municipal Utilities Authority was formed to explore construction of a public water supply. The sparse population of certain areas of the township precludes the economic feasibility of extending public water to these areas at present. However, other population centers within the township are viable areas to receive public water in the near future.
- NJDEP has an ongoing, state-wide, public education program underway to identify the consequences of lead exposure and the measures homeowners can take on an interim and long-term basis to reduce their risk. NJDEP is also conducting an evaluation of corrosion control needs and practices of all public water companies in the state. This information, coupled with the EPA-revised drinking water regulations for lead, will prompt NJDEP to take appropriate steps, including enforcement actions if necessary, to insure all public water systems meet regulated standards for drinking water.

Dated: May 3, 1991.

**Constantine Sidamon-Eristoff,**

*Regional Administrator, USEPA Region II.*

[FR Doc. 91-16262 Filed 7-11-91; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 90-588; RM-7522]

#### Radio Broadcasting Services; Jackpot, Nevada

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial of petition.

**SUMMARY:** The Commission denies the petition for rule making filed by Dale A. Ganske requesting the allotment of Channel 253A to Jackpot, Nevada, as the community's first local aural

transmission service. See 55 FR 50048, December 4, 1990. We find that there is insufficient factual basis to conclude that Jackpot is a "community" for allotment purposes. With this action, this proceeding is terminated.

#### FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 634-6330.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 90-588, adopted June 24, 1991, and released July 8, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Andrew J. Rhodes,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 91-16553 Filed 7-11-91; 8:45 am]

BILLING CODE: 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AB

#### Endangered and Threatened Wildlife and Plants; Notice of Public Hearing on Proposed Designation of Critical Habitat for Six Endangered Forest Species From Guam

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of public hearing.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service), under the Endangered Species Act of 1973, as amended (Act), gives notice that a public hearing will be held on the proposed designation of critical habitat for six endangered forest species from Guam: The little Mariana fruit bat (*Pteropus tokudae*). Mariana fruit bat (*Pteropus mariannus mariannus*). Guam broadbill (*Myiagra freycineti*). Mariana crow (*Corvus kubaryi*). Guam Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*), and Guam bridled white-eye (*Zosterops*